

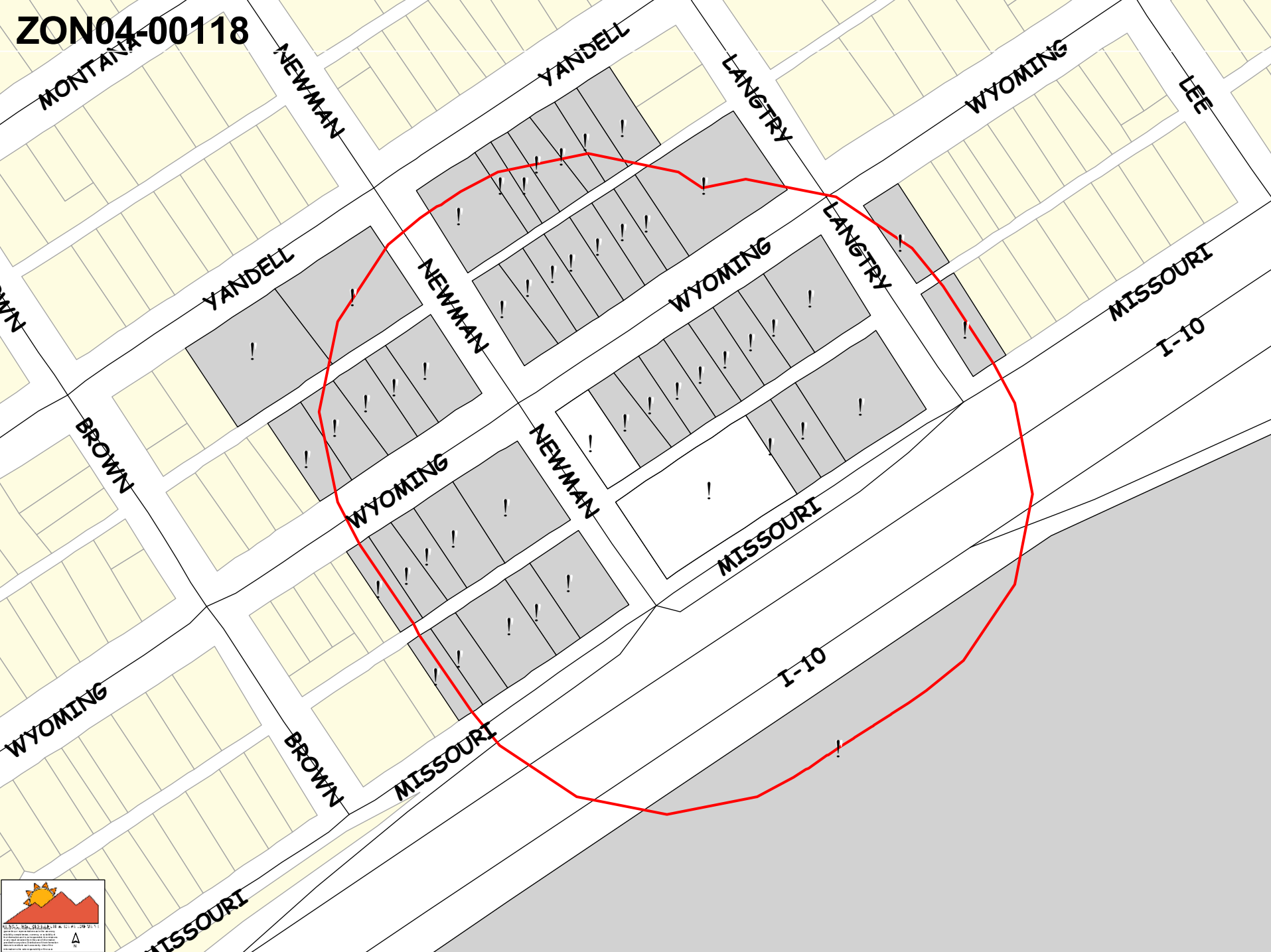
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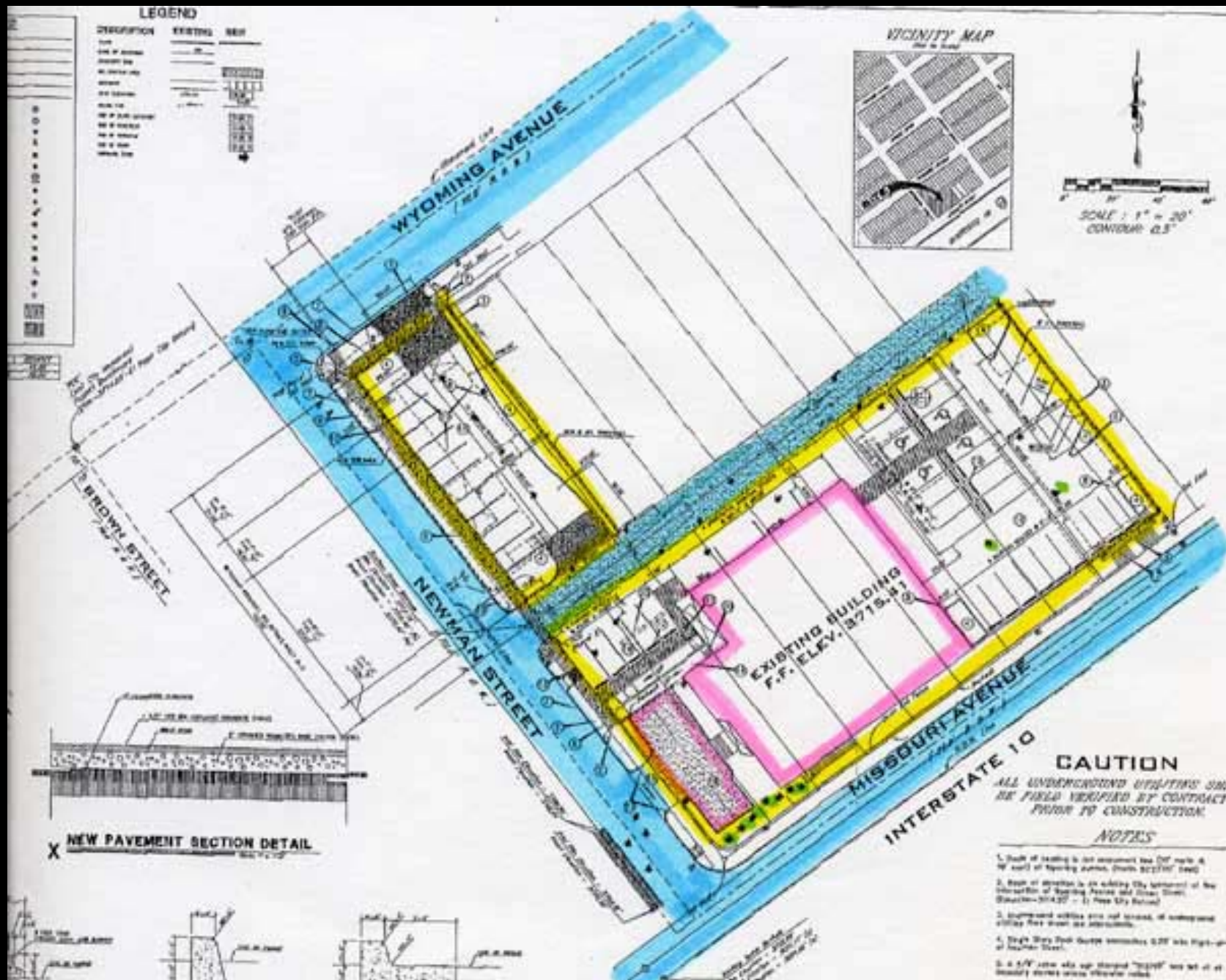
Parcel 2



ZON04-00118

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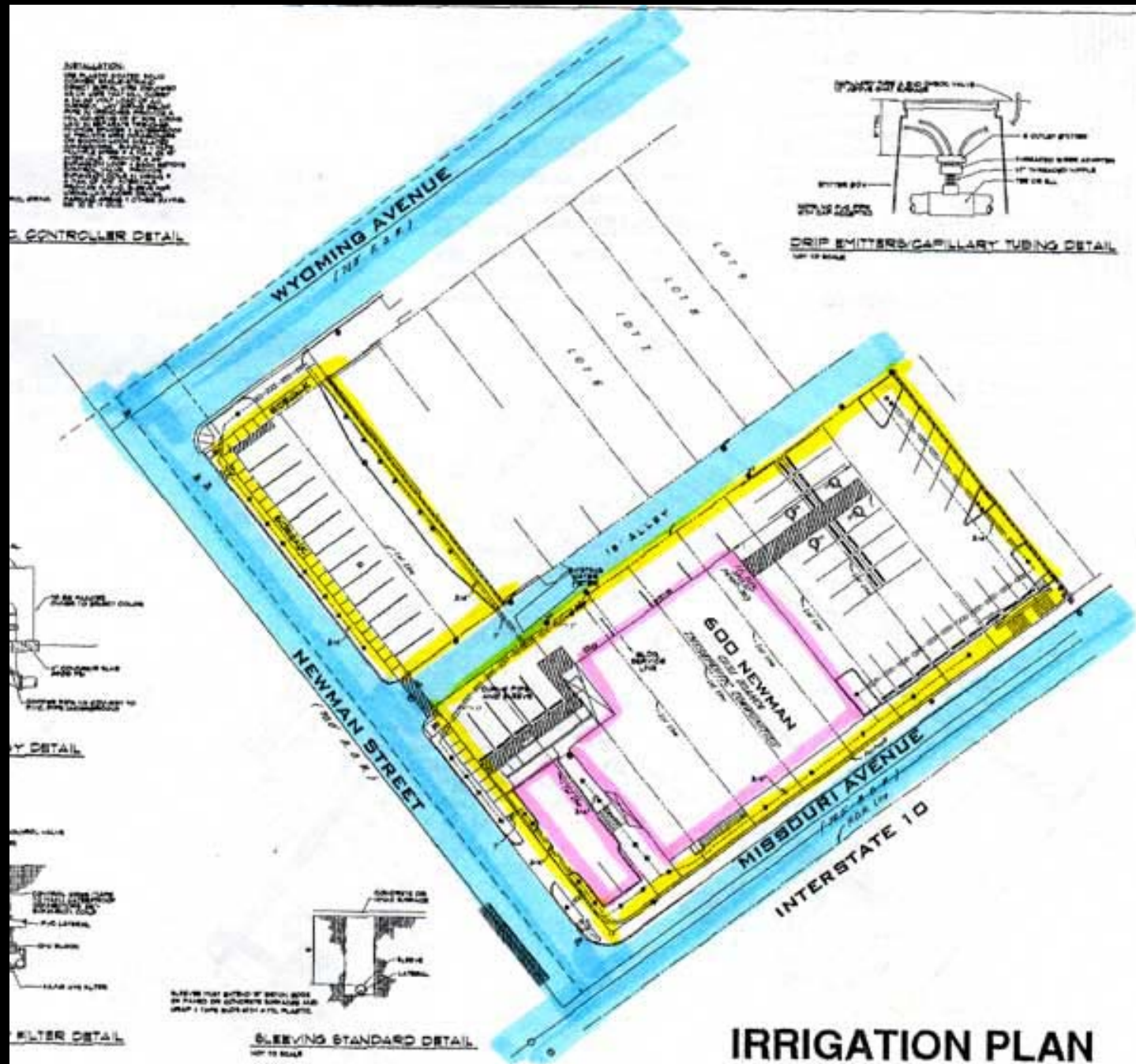
DETAIL

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—EMERSON GIVEN
ADVICE TO REPAIR

LANDSCAPE PLAN

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ZON04-00118



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YANDELL

NEWMAN

LANGTRY

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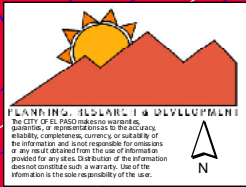
Parcel 1

Parcel 2

C-4

M-1

ZON04-00118



ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00118 TO SATISFY PARKING REQUIREMENTS FOR PARCEL II, DESCRIBED AS LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, AND THE WESTERLY 12.5 FEET OF LOT 26, BLOCK 39 FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL I, DESCRIBED AS LOTS 1 AND 2, BLOCK 39, FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1400 WYOMING AVENUE) PURSUANT TO SECTION 20.42.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **Mark A. Tomlin**, has applied for a Special Permit under Section 20.42.040 of the El Paso Municipal Code to allow the off-site parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.64.170 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Parcel II, which is described as *Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, and the Westerly 12.5 Feet of Lot 26, Block 39 Franklin Heights Addition, El Paso, El Paso County, Texas* as more particularly described by metes and bounds in the attached and incorporated Exhibit "A," is in a **C-4 (Commercial)** District which requires forty-eight (48) off-street parking spaces under Section 20.64.170 of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.42.040 of the El Paso Municipal Code so that the off-street parking requirements described in Paragraph 1 of this Ordinance may be partially satisfied off-site (ten spaces) as described in Paragraph 3 of this Ordinance;

3. That Parcel I, which is described as *Lots 1 and 2, Block 39, Franklin Heights Addition, El Paso, El Paso County*, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A," is located on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.42.040 so that the property described in Paragraph 3 of this Ordinance may be used as off-site off-street parking in order to partially satisfy the parking requirements described in Paragraph 1 of this Ordinance;

5. That the Applicant shall pave the existing abutting alley between Parcel I and Parcel II the entire length of Parcel II once following approval of this special we permit and before a certificate of occupancy is issued.

6. That this Special Permit is issued subject to the development standards in the **C-4 (Commercial)** District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes;

7. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON04-00118**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

8. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of **November, 2004**.

THE CITY OF EL PASO


Joe Wardy, Mayor

(Signatures continued on following page)

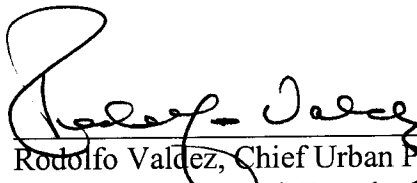
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:




Jorge E. Rousselin, Urban Planner
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:



Matt Watson,
Assistant City Attorney

10/05/04

ORDINANCE NO. _____

Zoning Case No. ZON04-00118

AGREEMENT

Mark A. Tomlin, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the **C-4 (Commercial)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6th day of October, 2004.

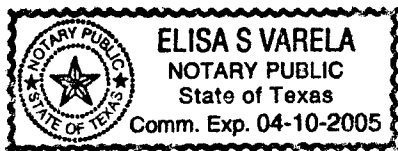
By: 
Mark A. Tomlin

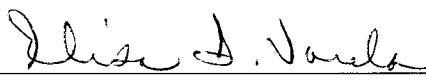
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6 day of October, 2004, by **Mark A. Tomlin**, as Applicant.

My Commission Expires:




Notary Public, State of Texas
Notary's Printed or Typed Name:
ELISA S. VARELA

10/05/04

ORDINANCE NO. _____

Zoning Case No. ZON04-00118

METES & BOUNDS
(PARCEL 1)

A 0.1377 acre parcel being all of Lots 1 and 2, Block 39, Franklin Heights Addition, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at an existing City Monument lying at 10 feet north and 10 feet east of the centerline intersection of Wyoming Avenue (72.00 feet wide) and Brown Street (70.00 feet wide); WHENCE, an existing City Monument lying at 10 feet north and 10 feet east of the centerline intersection of said Wyoming Avenue and Noble Street (70.00 feet wide) bears South 52°23'00" West a distance of 470.00 feet; THENCE, North 52°23'00" East a distance of 495.00 feet to a point; THENCE, South 37°37'00" East a distance of 46.00 feet to a nail set in the southerly right-of-way line of said Wyoming Avenue and the easterly right-of-way line of Newman Street (70.00 feet wide) for a corner of this parcel and the POINT OF BEGINNING of this parcel description;

THENCE, North 52°23'00" East, with the southerly right-of-way line of said Wyoming Avenue, a distance of 50.00 feet to a nail set at a common corner of said Lot 2 and Lot 3, Block 39, Franklin Heights Addition, as conveyed to Jose M. and Silvia J. Tagle, as recorded in Volume 3692, Page 0101, Deed Records, El Paso County, Texas, for a corner of this parcel;

THENCE, South 37°37'00" East, with the common boundary line of said Lots 2 and 3, a distance of 120.00 feet to a 5/8" rebar with cap stamped "TX5710" set in the northerly boundary line of an existing 18.00 feet wide alley for a corner of this parcel;

THENCE, South 52°23'00" West, with said northerly boundary line, a distance of 50.00 feet to a 5/8" rebar with cap stamped "TX5710" set in the easterly right-of-way line of said Newman Street for a corner of this parcel;

THENCE, North 37°37'00" West, with said easterly right-of-way line, a distance of 120.00 feet to the TRUE POINT OF BEGINNING.

Said Parcel contains 0.1377 acres (6,000 square feet) more or less.

METES & BOUNDS
(PARCEL 2)

A 0.5510 acre parcel being all of Lots 17, 18, 19, 20, 21, 22, 23, 24, 25 and the westerly 12.50 feet of Lot 26, Block 39, Franklin Heights Addition, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at an existing City Monument lying at 10 feet north and 10 feet east of the centerline intersection of Wyoming Avenue (72.00 feet wide) and Brown Street (70.00 feet wide); WHENCE, an existing City Monument lying at 10 feet north and 10 feet east of the centerline intersection of said Wyoming Avenue and Noble Street (70.00 feet wide) bears South 52°23'00" West a distance of 470.00 feet; THENCE, North 52°23'00" East a distance of 495.00 feet to a point; THENCE, South 37°37'00" East a distance of 184.00 feet to a 5/8" rebar with cap stamped "TX5710" set in the easterly right-of-way line of Newman Street (70.00 feet wide) and the southerly boundary line of an existing 18.00 feet wide alley for a corner of this parcel and the POINT OF BEGINNING of this parcel description;

THENCE, North 52°23'00" East, with said southerly boundary line, a distance of 237.50 feet to a 5/8" rebar with cap stamped "LAND-MARK TX5710" set for a corner of this parcel;

THENCE, South 37°37'00" East, a distance of 120.00 feet to a 5/8" rebar with cap stamped "LAND-MARK TX5710" lying in the northerly right-of-way line of Missouri Avenue (26.00 feet wide) for a corner of this parcel;

THENCE, South 52°23'00" West, with said northerly right-of-way line, a distance of 237.50 feet to a nail set in the easterly right-of-way line of said Newman Street for a corner of this parcel;

THENCE, North 37°37'00" West, with said easterly right-of-way line, a distance of 120.00 feet to the TRUE POINT OF BEGINNING.

Said Parcel contains 0.6543 acres (28,500 square feet) more or less.

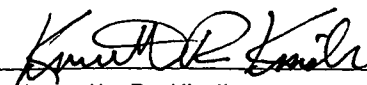

Kenneth R. Kindle
Registered Professional Land Surveyor
State of Texas
Date of Survey: May 26, 2004.
Job No. 04-01-19369



Exhibit "A"